

When Recorded, Return To:

Centerville City
250 North Main
Centerville, Utah 84014

Affects Parcel No. 02-096-0222

E 3551634 B 8382 P 834-839
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
11/17/2023 4:27 PM
FEE 0.00 Pgs: 6
DEP IC REC'D FOR CENTERVILLE
CITY

ORDINANCE NO. 2023-14

AN ORDINANCE VACATING A PUBLIC UTILITY EASEMENT FOR THE MOSER PROPERTY LOCATED AT APPROXIMATELY 950 NORTH 100 EAST, CENTERVILLE, UTAH

WHEREAS, the Mosers recorded with the Davis County Recorder's Office an Easement Deed as set forth in Entry No. 3543307, Book 8333, Pages 819-820, as more particularly set forth in **Exhibit A**, attached hereto and incorporated by reference ("Easement Deed"); and

WHEREAS, the Easement Deed grants to Centerville City a public utility easement over and across their property located at approximately 950 North 100 East, Centerville, Utah, which property is more particularly described in **Exhibit B**, attached hereto and incorporated by reference ("Property"); and

WHEREAS, the public utility easement set forth in the above-described Easement Deed is not in the correct form for Centerville City acceptance and the City desires to vacate the recorded Easement Deed and to record a new Public Utility Easement using the City's standard easement form; and

WHEREAS, the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation of the Easement Deed and that there is good cause for the vacation in accordance with Utah Code § 10-9a-609.5.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:

Section 1. Vacation. The City Council hereby finds there is good cause and neither the public nor any person will be materially injured by the vacation of the Easement Deed affecting the Property and recorded in the Davis County Recorder's Office as Entry No. 3543307, Book 8333, Pages 819-820, located at approximately 950 North 100 East, Centerville, Utah. The vacation of the Easement Deed set forth herein operates as a revocation of the acceptance of and the relinquishment of the City's fee or interest therein, but shall not be construed to impair any right-of-way or easement of any lot owner, the rights of any public utility, or the rights of a culinary water authority or sanitary sewer authority.

Section 2. Recording. Upon satisfaction of all conditions of approval, the City Recorder is directed to cause this Ordinance to be recorded in the office of the Davis County Recorder's Office, together with the new Public Utility Easement.

Section 3. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses, and words of this Ordinance shall be severable.

Section 4. Effective Date. Subject to conditions of approval, this Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first. The vacation set forth herein shall become effective upon the date of recording of this Ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 17th DAY OF OCTOBER, 2023.

ATTEST:

CENTERVILLE CITY


Jennifer Robison, City Recorder

By: 
Mayor Pro Tem Robyn Meham

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Hirst			<u>X</u>
Councilmember Ince	<u>X</u>		
Councilmember McEwan	<u>X</u>		
Councilmember Meham	<u>X</u>		
Councilmember Summerhays	<u>X</u>		

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted as required by law.


JENNIFER ROBISON, City Recorder

DATE: 10-26-2023

RECORDED this 26th day of October, 2023.

PUBLISHED OR POSTED this 26th of October, 2023.



EXHIBIT A
RECORDED EASEMENT DEED

WHEN RECORDED MAIL TAX NOTICE TO:
GRANTEE
950 NORTH 100 EAST
CENTERVILLE, UT 84014
24745

3543307
BK 8333 PG 819

E 3543307 B 8333 P 819-820
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
09/08/2023 03:54:37 PM
FEE: \$40.00 Pgs: 2
DEP eCASH REC'D FOR: TITAN TITLE INSURANCE
AGENCY

EASEMENT DEED

ANDREW O MOSER and JAMIE L MOSER

Grantor,

of CENTERVILLE, County of DAVIS, State of UTAH
hereby CONVEYS and WARRANTS to

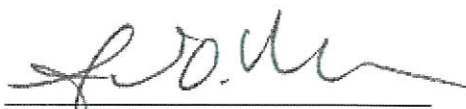
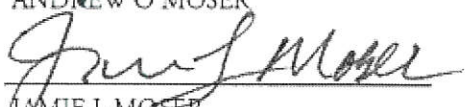
A NON EXCLUSIVE, PERPETUAL UTILITY EASMENT OVER AND ACROSS THE PARCEL OF REAL
PROPERTY LOCATED IN DAVIS COUNTY, STATE OF UTAH, TO WIT:

See Attached Exhibit "A"

THE PERMANENT, NON EXCLUSIVE EASEMENT HERIN GRANTED IS FOR THE SOLE PURPOSE OF
LOCATING, INSTALLING, ESTABLISHING, CONSTRUCTING, ERECTING, REPAIRING, REPLACING,
INSPECTING, MAINTAINING AND OPERATING UTILITY SERVICES FOR THE BENEFIT OF GRANTEES
RESIDENCE.

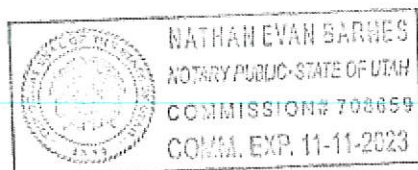
ACCESS TO BE GRANTED AT WEST 10 FEET OF PROPERTY.
ACCESS TO BE GRANTED AT THE SOUTH 7 FEET OF THE PROPERTY.
ACCESS TO BE GRANTED AT THE NORTH 7 FEET OF THE PROPERTY

WITNESS the hand of said grantor, this September 8, 2023


ANDREW O MOSER

JAMIE L MOSER

STATE OF UTAH)
 :SS
COUNTY OF DAVIS)

On September 8, 2023, personally appeared before me ANDREW O MOSER & JAMIE L MOSER, the signer(s) of the
within instrument, who duly acknowledged to me that they executed the same.



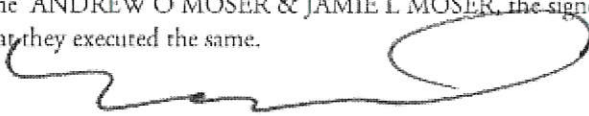

Notary Public NATHAN BARNES
Residing at: SALT LAKE
My Commission Expires: 11-11-23

EXHIBIT "A"

File Number: 24745

BEG AT A PT 1069.13 FT W ALG THE S LINE OF A STR & S 327.0 FT FR THE NE COR OF LOT 7, BLK BA, BIG CREEK PLAT, CENTERVILLE TS SURVEY, & RUN TH S 93 FT; TH W 101.15 FT M/L TO THE E LINE OF A STR AT AN EXISTING BACK CURB WH PT IS W 1139.18 FT & S 370 FT & S 50 FT & W 47.70 FT M/L FR THE NE COR OF LOT 7, BLK BA, BC PLAT, CENTERVILLE TS SURVEY; TH FOLLOWING BACK OF SD CURB N 4°22'22" W 17.05 FT & N'LY 34.21 FT ALG THE ARC OF 140 FT RADIUS CURVE TO THE LEFT TO A PT W 1139.18 FT & S 330 FT & S 40 FT & W 58.03 FT M/L TO THE E LINE OF A STR TO THE EXISTING BACK OF A CURB AT THE SAME STR; TH ALG SD CURB & STR LINE NW'LY 21.03 FT ALG THE ARC OF A 140 FT RADIUS CURVE TO THE LEFT (RADIUS BEARS S 67°41'37" W 140.0 FT) ALG THE E LINE OF SD STR; TH NW'LY 22.79 FT ALG THE ARC OF A 140 FT RADIUS CURVE TO THE RIGHT RADIUS N 63°58'48" E 140 FT) ALG THE E LINE OF SD STR; TH E 59.19 FT M/L TO THE W LINE OF PPTY CONV IN QC DEED, AS ENTRY NO 878690, IN BOOK 1329 PAGE 314; TH N 3 FT M/L ALG THE W LINE OF SD PPTY TO A PT W OF POB; TH E 70 FT TO THE POB.

TAX ID NO. 02-096-0222

EXHIBIT B

LEGAL DESCRIPTION OF PROPERTY

950 North 100 East, Centerville, Utah
Parcel No. 02-096-0222

File Number: 24745

BEG AT A PT 1069.13 FT W ALG THE S LINE OF A STR & S 327.0 FT FR THE NE COR OF LOT 7, BLK BA, BIG CREEK PLAT, CENTERVILLE TS SURVEY, & RUN TH S 93 FT; TH W 101.15 FT M/L TO THE E LINE OF A STR AT AN EXISTING BACK CURB WH PT IS W 1139.18 FT & S 370 FT & S 50 FT & W 47.70 FT M/L FR THE NE COR OF LOT 7, BLK BA, BC PLAT, CENTERVILLE TS SURVEY; TH FOLLOWING BACK OF SD CURB N 4°22'22" W 17.05 FT & N'LY 34.21 FT ALG THE ARC OF 140 FT RADIUS CURVE TO THE LEFT TO A PT W 1139.18 FT & S 330 FT & S 40 FT & W 58.03 FT M/L TO THE E LINE OF A STR TO THE EXISTING BACK OF A CURB AT THE SAME STR; TH ALG SD CURB & STR LINE NW'LY 21.03 FT ALG THE ARC OF A 140 FT RADIUS CURVE TO THE LEFT (RADIUS BEARS S 67°41'37" W 140.0 FT) ALG THE E LINE OF SD STR; TH NW'LY 22.79 FT ALG THE ARC OF A 140 FT RADIUS CURVE TO THE RIGHT RADIUS N 63°58'48" E 140 FT) ALG THE E LINE OF SD STR; TH E 59.19 FT M/L TO THE W LINE OF PPTY CONV IN QC DEED, AS ENTRY NO 878690, IN BOOK 1329 PAGE 314; TH N 3 FT M/L ALG THE W LINE OF SD PPTY TO A PT W OF POB; TH E 70 FT TO THE POB.

TAX ID NO. 02-096-0222 /